

CITY OF SAN JOSÉ, CALIFORNIA
 Department of Planning, Building and Code Enforcement
 801 North First Street, Room 400
 San José, California 95110-1795

Hearing Date/Agenda Number
 H.L.C. 11/06/02 Item 4.a.

File Number
 MA02-001

Application Type
 Historic Property Contract

Council District
 SNI
 6
 None

Planning Area
 Central

Assessor's Parcel Number(s)
 261-18-025

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Sally Notthoff Zarnowitz

Location: east side of Randol Avenue approximately 180 feet southerly of The Alameda

Gross Acreage: 0.11 Net Acreage: 0.11 Net Density: n/a

Existing Zoning: A(PD) Planned Development Existing Use: Single-family Residence

Proposed Zoning: No change Proposed Use: Single-family Residence

GENERAL PLAN

Completed by: SNZ

Land Use/Transportation Diagram Designation: O Office

Project Conformance:
☒ Yes ☐ No
☐ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: SNZ

North: Commercial A(PD) Planned Development

East: Commercial A(PD) Planned Development

South: Single-family Residential R-1-8 Residential

West: Commercial A(PD) Planned Development

ENVIRONMENTAL STATUS

Completed by: SNZ

☐ Environmental Impact Report found complete
☐ Negative Declaration circulated on
☐ Negative Declaration adopted on

☒ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: SNZ

Annexation Title: College Park/ Burbank Sunol

Date: 12/8/1925

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☐ Approval
☐ Approval with Conditions
☐ Denial

Date _____

Approved by: _____

☐ Action
☒ Recommendation

☐ Uphold Director's Decision

APPLICANTS/OWNERS

DEVELOPER

Jim Blair, General Partner
Eaglecreek Associates II
1285 Oakmead Parkway
Sunnyvale CA 94085

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: SNZ

Department of Public Works

None

Other Departments and Agencies

See attached Department of Parks and Recreation Form

GENERAL CORRESPONDENCE

None

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Eaglecreek Associates II, is requesting a Historical Property Contract to allow property tax relief to rehabilitate and maintain the Clara Louise Lawrence Residence, City Landmark HL01-142, located on the east side of Randol Avenue approximately 180 feet southerly of The Alameda. The site is zoned A(PD), Planned Development and is designated Office on the adopted San Jose 2020 Land Use and Transportation Diagram. The subject site is currently used as a single-family residence. Surrounding land uses consist of single-family residential to the south and commercial uses to the east, across Randol to the west and across The Alameda to the north.

This application came to the Landmarks Commission at the September 4, 2002 meeting. A resident in the area sent an email to Project Manager Sally Notthoff Zarnowitz stating his observation that little of the home's original fabric remained and questioned the award of the preservation incentive. The email was provided to the Historic Landmarks Commission at that meeting. The Commission deferred the matter to the October 2, 2002 Commission meeting in order to allow for a response from the owner to the issues raised. After viewing photographs of the home, the Commission stated a concern that the work does not meet the Secretary of the Interior's Standards due to the loss of original fabric.

The item was deferred again in October to the November 6, 2002 Landmarks Commission meeting to allow for sufficient time to gather information on the issue.

The property owner, James R. Blair, has responded to the concerns raised at the Landmarks Commission meeting in a letter, attached, and dated September 30, 2002.

The City Council voted to designate The Clara Louise Lawrence Residence as a City Landmark in 2001.

The structure at 1146 Randol Street was built c. 1921 in the Neo-classical Craftsman Bungalow style. It is significant for its architecture and its association with the writer and poet Clara Louise Lawrence who lived in the home from 1922 to 1942. Lawrence was a writer of children's stories, a poet of local significance and a member of the San Jose Poetry Club. She is known for her descriptions of the early Santa Clara Valley, including the poem "Valley of the Heart's Delight".

ENVIRONMENTAL REVIEW

Under the provisions of Section 15270 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is found to be exempt from environmental review in that CEQA does not apply to projects which a public agency rejects or disapproves. The project was found not to comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer.

GENERAL PLAN CONFORMANCE

The originally proposed Contract conforms to the San Jose 2020 General Plan Land Use/Transportation Diagram designation of Office. Under the Discretionary Alternate Use Policy, Structures of Historical or Architectural Merit are allowed land uses other than those designated on the Land Use/Transportation Diagram in order to preserve the structure.

ANALYSIS

1. Required Provisions of Historic Property Contracts

Municipal Code Chapter 13.48 requires provisions of Historic Property Contracts as follows

- A. A description of the Landmark Property subject to the Contract;
- B. A provision that the term of the Contract is a minimum period of ten years;
- C. Specific conditions requiring preservation of the Landmark Property and, where appropriate, restoration and rehabilitation of the Landmark Property to conform to the requirements of the City, and the rules and regulations of the Office of Historic Preservation of the State of California Department of Parks and Recreation;
- D. Provision for the periodic examination of the interior and exterior of the Landmark Property by the City of San Jose, Santa Clara County Assessor, and the State Board of Equalization as may be necessary to determine the owner's compliance with the Contract.
- E. A requirement that the property owner annually expend an amount equal to a minimum of 10% of the tax savings attributed to the Contract to the preservation and maintenance of the Landmark Property; and
- F. A provision that the Contract is binding upon and shall inure to the benefit of, all successors in interest of the owners; and that a successor in interest shall have the same rights and obligations under the Contract as the original owners who entered into the Contract.

In addition to the Municipal Code provisions above State legislation requires the City Clerk to record a Historic Property Contract with the County Recorder by December 31 of any calendar year in order to be effective during the following calendar year.

2. Required Findings of Historic Property Contracts

In accordance with Municipal Code Chapter 13.48, the City Council may approve a Historic Property Contract only if the following findings are made:

- A. The proposed Contract is consistent with the General Plan;
- B. The proposed Contract would provide greater protection for the Landmark Property than is otherwise provided by the provisions of Municipal Code Chapter 13.48; and
- C. The proposed Contract complies with the required provisions of Historic Property Contracts listed above.

Planning staff has visited the site and reviewed the Planning and Building permits. The Planned Development Permit PD 01-08-095, dated September 28, 2001, calls out the following condition:

12. **Historic Preservation.** Rehabilitation of the house shall occur following the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

While the Guidelines for Rehabilitation provide for some latitude, they also direct that intervention be as minimal as possible. The recommended approach to the treatment of historic buildings is to progress from preserving and maintaining original fabric to repairing original fabric and finally, when maintenance and repair are not sufficient, replacement of original fabric. Replacement is always the last choice.

Based on the complete replacement of windows, exterior wall material, as well as the addition of exterior details that were not previously a part of the exterior design, staff finds that the project does not comply with the Secretary of the Interior's Standards for Rehabilitation as called out in the Planning Permit. Given this information, the Department of Planning, Building and Code Enforcement cannot support the Historical Property Contract.

Finally, in the attached letter James R. Blair states a preference for removing the building from the City's list of historic landmarks should the Historical Property Contract be denied. While Planning staff is not recommending this action, staff will work with the owner should he decide to pursue rescission of the designation. The process for rescinding a designation is the same as the designation of a landmark.

PUBLIC OUTREACH

The property owner requested the historic property contract. Public Notices were published, posted on the property and mailed to property owners within a 500-foot radius.

RECOMMENDATION

Planning staff recommends that the Historic Landmarks Commission recommend the following:

1. That the City Council deny the Historical Property Contract and make the following finding:

Based upon the complete replacement of windows and exterior wall material the project does not comply with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as called out in the Planned Development Permit PD 01-08-095, and therefore, does not comply with the required provisions of Historical Property Contracts and the draft Historic Landmark, Preservation Agreement.

2. That the building remain as a City Landmark. Should the owner wish to rescind the designation, that Planning staff work with the owner to do so.

Attachments

- Letter from James R. Blair
- Email correspondence regarding the project
- Draft Historic Landmark Preservation Agreement
- Dept. of Parks and Recreation Form
- Photographs

Pbce002/historic/historic property contracts/MA02-001